

United States Senate

WASHINGTON, DC 20510

July 18, 2022

Dara Khosrowshahi
Chief Executive Officer, Uber
1455 Market St., Suite 400
San Francisco, CA 94103

Mr. Khosrowshahi:

While Uber's exploitive behavior and mistreatment of its workers is well documented, new information revealed in a series of Washington Post articles¹ last week highlights just how far the company has gone to defy regulations, evade accountability, and mistreat its workers. Despite claims by the company that these articles are based on past behavior that Uber "would certainly not condone today,"² Uber drivers across the country continue to suffer harm as a result of the company's actions. Instead of continuing to mistreat and manipulate your drivers as independent contractors, I urge you to stand up for those contributing to the success of your company by recognizing them as employees so they are no longer denied minimum wage, overtime pay, or collective bargaining rights.

Americans work hard. Compared to their global peers, Americans work longer hours with fewer days off. Yet far too many Americans feel like they and their families can't get ahead because the system is stacked against them—and it is. App-based gig workers, including Uber drivers, struggle to make ends meet. And rather than supporting its workers, Uber continues to exploit its drivers for company profit.

Internal documents covered by the Washington Post articles detail the scope of Uber's intentional efforts to use its drivers as pawns in its campaign to expand. These documents show that between 2013 to 2017, Uber strategized to defy regulations in dozens of countries by ignoring cease-and-desist orders, heavily lobbying political leaders, and even activating a "kill switch" to shut down company computers and server connections in the case of a raid by authorities conducting routine oversight. Even worse, company executives sought to capitalize on violence against drivers to sway regulators in their favor.

Sadly, mistreatment of your workers persists. By continuing to misclassify your drivers – the people essential to your success – as "independent contractors," you deny them essential protections, protections provided by law for "part-time" and "full-time" employees. Misclassification is not a mistake, it is a choice. As shown by these newly-released documents, Uber has repeatedly fought to prevent its drivers from being classified as "employees" to deny them the basic benefits of a minimum wage, overtime pay, and collective bargaining rights. By depriving drivers of employee status, Uber and other app-based rideshare and delivery companies have stolen billions of dollars in wages and overtime pay.

Adding insult to injury, drivers aren't paid for the time between rides or deliveries. Waiting for rides accounts for a third of a driver's work time, but this isn't included in Uber and Lyft hourly

¹ Washington Post Staff. "Takeaways from journalists' international search." *The Washington Post*, 14 July 2022.

² Davis, Aaron, Rick Noack, and Douglas MacMillan. "Uber leveraged violent attacks against its drivers to pressure politicians." *The Washington Post*, 10 July 2022.

wage estimates, nor is the necessary between-ride driving time included in per-mile expense estimates, presenting a distorted picture of worker compensation. One driver in San Francisco works 12 to 15-hour days, 7 days a week, but lives out of his van.³ A driver in Pennsylvania delivers for DoorDash 70 hours a week but struggles to feed her family.⁴ Unfortunately, these cases are not unusual. Independent studies have repeatedly shown driver take-home pay to be below minimum wage when considering routine expenses like fuel and vehicle wear.

In exchange for giving up reliable fair wages, drivers are promised flexibility. But this is a false choice: flexible scheduling and employment are not incompatible. Yet with too many gig work platforms, workers must choose one or the other. For many drivers, sacrificing stability for flexibility isn't worth it: while many ride-share drivers are casual drivers, working only a few hours a week, most of the hours driven are by people better characterized as "full-time" or "part-time" employees. Furthermore, workers have been clear about what they want: the majority of app-based workers want permanent employment.⁵ Most people only choose gig work because they have no other option.

I urge you to do the right thing and recognize your drivers as the employees that they are. In addition, I respectfully request that you respond to the following questions by August 31, 2022:

1. What is the average pay your drivers receive per hour of app on-time?
2. During the campaign for Proposition 22 in California you promised a 30-cents-per-mile expense reimbursement and driver fare controls. Are these commitments being fulfilled?
3. How many drivers worked on your platform in the United States in the month of June, 2022? Please provide a state-by-state breakdown of these numbers.
4. What percentage of your drivers are casual (<10 hours), part-time (11-29 app-on hours), or full-time (30+ app-on hours)? How has this changed over the last five years? Again, please provide this data on a state-by-state basis.
5. In response to my letter on driver safety last month you outlined some of the insurance options available to your drivers. This varied by state. For each state, what percentage of full-time (30+ app-on hours) drivers are insured? How many of your drivers receive a health care benefit stipend?

It's simple: if someone puts in the work, they should get paid for it. Your drivers are putting in the work, driving long hours day after day. This work deserves the dignity of fair compensation and the protections of employee status.

Sincerely,



Sherrod Brown
United States Senator

³ Siddiq, Faiz and Nitasha Tikuy. "Uber and Lyft used sneaky tactics to avoid making drivers employees in California, voters say. Now, they're going national." *The Washington Post*, 17 Nov. 2020

⁴ "Going to bed hungry: For these families, every meal is now a struggle." *The Washington Post*, 27 Jan. 2021.

⁵ "App-based Workers Speak: Studies Reveal Anxiety, Frustration, and a Desire for Good Jobs." *National Employment Law Project*, 27 Oct. 2021, page 8.